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Chairman: Mr. Ekedede (Vice-Chairman of the Special Committee) ..... (Nigeria)
later: Mr. Politi (Chairman) ..... (Italy)

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The meeting was called to order at 10.05 a.m.

Agenda item 163: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization *(continued)* (A/55/33 and A/C.6/55/L.3)

1. **Mr. Ali Al-Aradi** (Bahrain) said that methods of peaceful dispute settlement, such as preventive diplomacy and good offices missions, must be used. The Charter of the United Nations, especially Chapter VII, must be respected; that respect was linked, however, to compliance with the principles of international law, such as the principle of State sovereignty — which some had tried to weaken in order to facilitate humanitarian interventions — the principle of non-interference in the internal affairs of States and the principle of refraining from the threat or use of force. Furthermore, the principle whereby States had the right to defend their interests was fundamental, and the Special Committee should reinforce their right to exercise it. The Committee should strive towards the establishment of a preventive mechanism for direct settlement of disputes by the countries actually affected, which would take into account the latest technical advances in the area of communications, since that would be the most effective means of ensuring bilateral cooperation and avoiding misunderstandings.

2. **Mr. Kerma** (Algeria) said that it was time to complete work on a number of proposals which had reached maturity, particularly the paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation". Sanctions imposed by the Security Council in recent years had had catastrophic impacts on many States, particularly Iraq, as was shown in reports by the United Nations and its agencies. That proposal had the considerable merit of emphasizing the idea of the "humanitarian limits" of sanctions. The time had come to examine sanctions regimes in greater depth and, in that regard, he welcomed the establishment by the Security Council of a working group with a mandate to formulate recommendations to improve those regimes. His delegation had the following recommendations to make: the imposition of sanctions, which was an extreme measure, should be restricted to what was provided for in the Charter, and recourse to sanctions should be had only where all peaceful means of dispute settlement had been exhausted; the humanitarian situation must be assessed systematically and objectively before sanctions were imposed and should be reviewed periodically while they were in force; sanctions should have clear goals and a limited duration, and as soon as they were imposed, conditions for their suspension and lifting should already be in place; the innocent populations of States on which sanctions were imposed and of affected third countries must not suffer the consequences of sanctions, and humanitarian exceptions should be provided for to mitigate the harmful effects of the sanctions.

3. His delegation noted with great interest the document submitted by Cuba, entitled "Strengthening of the role of the Organization and enhancing its effectiveness" (A/AC.182/L.93/Add.1), which contained proposals for correcting the imbalance between the areas of competence of the Security Council and those of the General Assembly in respect of maintaining international peace and security.

4. As for assistance to third States affected by the application of sanctions, his delegation believed that more effective measures should be taken regarding the situation of States indirectly harmed by the preventive or coercive measures provided for in Article 50 of the Charter. The effective implementation of that article was part of the solution to the problem. However, other measures would have to be adopted to implement it and, in that regard, he regretted that insufficient attention had been paid to the permanent coordination mechanism which had been proposed by the non-aligned countries to prevent the harmful effects of sanctions and compensate third countries for the losses sustained. The main recommendations and proposals of the expert group created by the Secretary-General, which had received majority support, should also be implemented.

5. Further consideration should be given to the important issue of peaceful dispute settlement. The revised version of the document on the establishment of a service for dispute prevention and settlement produced by Sierra Leone and the United Kingdom of Great Britain and Northern Ireland contained interesting improvements; its practical implementation would, however, as several delegations had pointed out, give rise to considerable political and legal difficulties. There was also the question of the extent to which it would be desirable in the future to adopt a new document on the subject, to which much

consideration had already been given; his delegation believed that it was much more important that the existing documents should be implemented.

6. As for the future of the Trusteeship Council, it should be further considered within the framework of the overall reform of the Organization.

7. Lastly, regarding the functioning of the Special Committee, its future work should be looked at again in the light of the overall reform of the United Nations, so that it could really carry out the original mandate entrusted to it.

8. **Mr. Fadaifard** (Islamic Republic of Iran), referring to the proposal on the implementation of the Charter provisions relating to third States affected by the implementation of sanctions, said that measures had been adopted to alleviate the suffering of those States and drew attention, in particular, to the General Assembly resolutions containing recommendations on the imposition and implementation of sanctions and the note by the President of the Security Council of 29 January 1999, incorporating a number of practical proposals to improve the work of the sanctions committees. He welcomed the formation of the Security Council working group and believed that the latter should analyse means of removing or at least minimizing the unintended effects of sanctions on third States and on the civilian population in all affected States. However, the creation of that working group could not and should not prevent the General Assembly and its subsidiary bodies, including the Special Committee on the Charter, from studying various aspects of sanctions and making appropriate recommendations, since the General Assembly was the most appropriate body to make recommendations on the setting of standards, such as those relating to the imposition, monitoring and lifting of sanctions. The Special Committee should therefore continue to consider the proposal on the implementation of the Charter provisions relating to third States affected by the implementation of sanctions at its next session, on the basis of the main conclusions of the ad hoc expert group established by the Secretary-General (A/53/312).

9. His delegation supported continued examination of the Russian Federation's proposal and shared the increasingly widely held view that the time had come to develop a generally agreed sanctions regime. That regime should take into account only those sanctions which were provided for by the Charter and should prohibit unilateral sanctions, which had been repeatedly denounced by the international community. For example, in its resolution 53/10, the General Assembly had reiterated its call for the repeal of unilateral extraterritorial laws that imposed sanctions on other States and had called upon all States not to recognize or apply such laws. Similarly, in its resolution 54/200 it had urged the international community to adopt urgent and effective measures to eliminate the use of unilateral coercive economic measures against developing countries that were not authorized by relevant organs of the United Nations or were inconsistent with the principles of international law as set forth in the Charter of the United Nations and that contravened the basic principles of the multilateral trading system.

10. He expressed his appreciation to the Special Committee on the Charter for the efforts it had made in favour of peaceful settlement of disputes and for having elaborated a number of instruments to facilitate recourse by Member States to the dispute settlement mechanisms enshrined in the Charter of the United Nations; in that regard, he referred to the Handbook on the Peaceful Settlement of Disputes between States, produced by the Office of Legal Affairs. He pointed out that Article 33 of the Charter gave the parties to a dispute the freedom to use whatever peaceful means they saw fit to resolve it; it was therefore essential that the Special Committee should take that principle into account in dealing with any proposal relating to dispute settlement.

11. Regarding the working methods of the Special Committee, in accordance with the provisions of General Assembly resolution 45/45 of 28 November 1990, subsidiary bodies should seek constantly to improve their procedures and methods of work. In that context, he felt that the agenda of the Special Committee was overloaded in relation to the limited time available. His delegation would prefer that the General Assembly assign priority items for each session of the Special Committee; for example, one issue that could be considered as a priority item for the coming session was the proposal relating to sanctions. As for the duplication of the work of the committees, it would be better if the Special Committee on Peacekeeping Operations deliberated on operations of that type.

12. Lastly, regarding the future of the Trusteeship Council, more time should be taken to consider the

proposals which had been put forward and to seek innovative ideas which could enjoy the support of the majority of Member States.

13. **Ms. Kalema** (Uganda) said that the Special Committee had been addressing the same topics for some time without there being any concrete solutions in sight. Her delegation would continue to participate actively in future discussions, however, because it believed that the Special Committee played a vital role in legal issues related to the reform of the United Nations and that its work complemented that of other United Nations bodies rather than contradicting it.

14. The provisions of the Charter related to assistance to third States affected by the application of sanctions were of the utmost importance to her delegation. Sanctions were important for the maintenance of international peace and security, but they also created humanitarian and economic hardships for third States that carried out their obligations on behalf of the international community. Some initiatives had already been put forward to deal with that issue. Nonetheless, her delegation considered that the response given by the Secretary-General in paragraph 13 of his report (A/55/295) was not satisfactory. Effective steps should be taken to fully implement Article 50 of the Charter and overcome the detrimental impact on affected third States. Establishment of an appropriate and permanent mechanism to be quickly activated in times of crisis was surely the best option. She noted the progress made in consideration of working paper A/AC.182/L.100 and the support it had received.

15. The informal working paper submitted by Sierra Leone and the United Kingdom (A/55/33, para. 127) contained some positive improvements; it had received useful support and constituted a good basis for future discussions.

16. She expressed her delegation's satisfaction at the progress made in the publication of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, considering the difficulties faced by the Secretariat in that endeavour. She appealed for further contributions to the trust fund in order to update their publication. Since the use of interns alleviated the burden on the staff, her delegation welcomed the plans to extend the maximum duration of the internship to six months.

17. Her delegation was concerned at the current stalemate with regard to the Trusteeship Council. Although it believed the Council should be abolished, perhaps the sponsor delegations of that measure should seriously reflect on the practicability of continuing the debate. The Council could be retained as it was, since that did not entail any financial implications.

18. She noted that the Special Committee, at its April 2000 session, had been able to make efficient use of the time allocated to it; it was to be hoped that that trend would continue. In that connection, her delegation agreed with the proposals contained in working paper A/AC.182/L.107, which merited further discussion by the Special Committee.

19. **Mr. Osah** (Nigeria) said that sanctions were a legitimate means of ensuring that recalcitrant States adopted acceptable international behaviour. Sanctions, by their nature, were exceptional measures that should be resorted to when measures for peaceful settlement had failed. Nor should sanctions be applied indiscriminately but rather with predetermined objectives. They should be lifted once those objectives had been achieved. There was therefore a need for periodic review of the application of sanctions in order to determine their success and mitigate their negative impact on civilian populations and other vulnerable groups in society and on third States. Such periodic reviews would also enable sanctions committees to evaluate the damage done and, where appropriate, determine the mode of assistance to those in need.

20. The existing mechanisms for the peaceful settlement of disputes should be strengthened, particularly the International Court of Justice, the principal judicial organ of the United Nations, which should be provided with adequate resources. His delegation also welcomed the informal working paper submitted by Sierra Leone and the United Kingdom (A/55/33, para. 127).

21. The Trusteeship Council should not be abolished but rather assigned new roles, bearing in mind that it was one of the principal organs of the United Nations. His delegation therefore urged the Special Committee to undertake a comprehensive study of various areas into which the Trusteeship Council could channel its energy and resources.

22. The Special Committee had originally been established to consider suggestions on the review of the Charter. Its mandate had been broadened when the need to strengthen the role of the United Nations in the maintenance of international peace and security, the

development of friendly relations among countries and the promotion of the peaceful settlement of international disputes had been recognized by the General Assembly. Since the thirtieth session of the General Assembly, the Special Committee had been convened on an annual basis and its members reflected its geographical diversity. Despite initial scepticism, significant progress had been made over the years; for example, the Special Committee had elaborated ways and means for the peaceful settlement of international disputes, such as the Manila Declaration of 1988, and had also sought to streamline the procedures of the United Nations. Such achievements could not continue if its sessions were reduced to eight days. That would signify the beginning of the end of the Special Committee, and Nigeria would not support its scrapping. There were many challenges facing the United Nations, and even those who had been initially opposed to establishing a review mechanism had expressed a commitment to revitalizing the Organization. The most appropriate forum or mechanism for the reform process must be very representative, and the Special Committee was; it should be retained and reinvigorated in order to enable it to perform as it had done in the past. Nigeria therefore supported renewing the mandate of the Special Committee and allocating it sufficient time for its next session.

23. His delegation supported the Secretary-General's efforts to reduce the backlog in the publication of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council and praised the establishment of a trust fund to that end. It noted with appreciation that Germany, Portugal and the United Kingdom had contributed to the fund and appealed to other Member States to emulate the fine example set by those countries.

24. **Mr. Klisović** (Croatia) said that the reduction of the Special Committee's session from 10 to 8 days was, in the current circumstances, a constructive contribution towards making the Committee more economical. The duration of each session should be determined according to the seriousness, importance, complexity and urgency of the issues on its agenda and should therefore be decided separately for each session. It was advisable that, whenever a new topic was proposed for inclusion in the Special Committee's agenda, a time frame for its consideration and deadlines for submission of working documents should be recommended.

25. The issues before the Special Committee were complex and multidisciplinary. There was a long-standing request by some States that the Special Committee should avoid tackling issues that were under consideration in other United Nations organs; it was therefore essential for the efficiency of the Special Committee to ensure better coordination with other United Nations organs which also deliberated on issues that were before the Special Committee. The Special Committee should certainly be involved in the legal deliberations on issues which derived directly from or were linked to the Charter of the United Nations.

26. The Special Committee must improve its working methods. The previous session had witnessed, once again, the consideration of issues which had been on its agenda for a considerable period without achieving any breakthrough. The proposal to introduce a cut-off mechanism, in order to avoid wasting time and resources on endless discussions of certain topics, was worthy of consideration. However, there must be clear-cut criteria for ascertaining when a proposal lacked sufficient support and should therefore be removed from the Special Committee's agenda. Proposals put forward during the previous session of the Special Committee with the aim of improving its working methods should be discussed as a matter of priority.

27. The implementation of Article 50 of the Charter remained another priority issue. There was a consensus that document A/54/383 formed a solid basis for further discussion of the issue. Concerning the format of further discussion, the establishment of a working group of the Sixth Committee had not been unanimously supported. His delegation hoped that the valuable work of the ad hoc expert group could be followed up without delay, and that the views of the Secretary-General on the expert group's conclusions and recommendations would give impetus to a constructive discussion. The main objective of the deliberations should remain the same: finding ways, means and procedures for improving the effectiveness of sanctions with a view to maximizing their political impact on targeted States while, at the same time, minimizing their humanitarian and economic impact. The United Nations should participate in the monitoring and assessment of the political, economic, social and humanitarian effects of sanctions.

28. Croatia reiterated its support for providing the International Court of Justice with sufficient financial resources to enable it to carry out its functions in the light of increasing recourse to it.

29. His delegation commended the measures undertaken by the Secretariat to expedite the publication of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council. The establishment of a trust fund for that purpose, and the contributions already made to it by some countries, were encouraging. Croatia reiterated its view that access to those publications through the Internet would be very useful.

30. **Mr. Ntsama** (Cameroon) reaffirmed the importance of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions and encouraged the Security Council to maintain its constant efforts to assess the impact of sanctions on vulnerable groups of third States. In view of the disastrous effects of sanctions on the innocent populations of affected States and of third States, the international community should resort to them only on an exceptional basis once the other peaceful means of settling disputes had been exhausted. Moreover, sanctions should be applied only in strict conformity with the provisions of the Charter of the United Nations, since it must not be forgotten that their objective was not to cause suffering to innocent people. For lack of a permanent fund for assistance to third States affected by the application of sanctions, the prior assessment of their impact should be of crucial importance, and selective sanctions should be applied only when they were unavoidable. He drew attention to the recommendations contained in paragraphs 48 and 49 of the report of the Special Committee and stressed the importance of documents A/54/383, S/1999/92 and A/55/295/Add.1, and the usefulness of the revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation". Since a number of organizations were studying the question, their work should be very well coordinated in order to avoid duplication of efforts. In order to ensure effectiveness, recommendations should be addressed to the structure responsible for determining and implementing sanctions.

31. As for the peaceful settlement of disputes, he stressed the importance of respecting ethical values and said that peace was the fundamental pillar of Cameroon's national and international policy. Accordingly, his delegation supported all initiatives in that regard, such as the proposal by Sierra Leone, with input from the United Kingdom, on the establishment of a dispute prevention and early settlement service. In that connection, he referred to the statement made by the President of Cameroon at the Millennium Summit, inviting the international community to consider the possibility of establishing within the United Nations Secretariat an international monitoring committee or organ responsible for promoting universal fundamental human values among and within nations. The issue of preventive settlement of disputes should be considered from a global perspective, and proposals and recommendations to that end must serve to strengthen the purposes and principles of the Charter.

32. With regard to the proposals concerning the Trusteeship Council, his delegation supported the overall reform of the United Nations but had reservations as to the appropriateness of abolishing the Council, particularly as its continued existence entailed no financial implications for the Organization. The proposals formulated by Malta and by the Secretary-General on reorganizing the Council as the guardian of the global commons should be considered with the greatest interest and attention, although, for the time being, it seemed premature to take a decision on the future of an institution whose historic mission had not yet been fulfilled.

33. With regard to the future work of the Special Committee and its working methods, under current circumstances, it was preferable for the Special Committee to hold its session in the first half of the year and focus on issues within its competence, avoiding duplication and overlap with the work of other organs. In that regard, the Working Group should study the proposal put forward by Japan entitled "Ways and means of improving the working methods and enhancing the efficiency of the Special Committee" so that the Special Committee could constantly improve its procedures and working methods and adapt to changes in the modern requirements of international society.

34. *Mr. Politi (Italy), Vice-Chairman, took the Chair.*

35. **Mr. Assé** (Haiti) stressed the importance of the Charter as the legal basis for peacekeeping operations, bearing in mind the need to respect sovereignty and

territorial integrity, and requested that a permanent mechanism to guarantee the rights of third States should be established and that greater importance should be attached to Article 50 of the Charter. He expressed support for a number of proposals made in the revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" (A/AC.182/L.100/Rev.1) and said that the scope and objective of sanctions must be established in a more rational manner. Sanctions should be imposed only after all peaceful means had been exhausted and bearing in mind the interests of third States. They should also have a specific time frame. His delegation supported the establishment of a permanent mechanism to evaluate the humanitarian and economic impact of sanctions on third States.

36. With respect to the International Court of Justice and the increasing number of cases brought before it, he said that the Court must be given adequate financial resources so that it could work efficiently. Furthermore, his delegation commended the Secretary-General's efforts to reduce the backlog in publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of Practice of the Security Council*.

37. His delegation felt that in view of the continued existence of Trust and Non-Self-Governing Territories, the Trusteeship Council had not fully achieved its objectives and therefore could not be eliminated. He agreed with the proposal made by the Secretary-General (A/52/849) and the delegation of Malta, however, that once the Council's mandate had been discharged, it could become a forum dedicated to protection of mankind's common heritage, the environment and the oceans.

38. With regard to the strengthening of the United Nations system, some of the proposals that had been made were a reflection of the interests of specific States or regions; a conceptual and operational consensus on that matter must be reached in order to revitalize the system. The United Nations was often portrayed as an ineffective organization, since many of its resolutions were considered mere recommendations although they had an intrinsic or operational value that could be of interest to States or to the international community. To a great extent, the strengthening of the United Nations was closely linked to the system's credibility — in other words, to the implementation of the Organization's resolutions. His delegation considered it necessary to carry out a structural reform of the Economic and Social Council and of the Security Council, which had become, owing to the right of veto, an anti-democratic institution. The Security Council should be expanded, bearing in mind the principles of equitable geographical distribution, respect for the sovereign equality of Member States and the transparency of the Council's methods of work and decision-making processes. Reform of the Council was linked to international peace and security; thus, it was extremely important for its decisions not to seem to be the result of large States' domination. The future of the United Nations and the legitimacy of its actions were at stake.

39. **Mr. Al-Qahtani** (Qatar) said that the provisions of the Charter concerning assistance to third States affected by the application of sanctions and the implementation of the provisions of Article 50 of the Charter, which described a methodology for assessing the impact of sanctions, should remain under consideration. The revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" also contained various ideas that merited consideration.

40. The sanctions regime was essential to any national or international legal system; its objective was to modify the behaviour of an individual or State, not to punish. Thus, the imposition of coercive measures should be limited to a reasonable time frame and should be linked to the behaviour of the State on which they were imposed. In addition, the negative effects of sanctions and their impact on the most vulnerable groups must be taken into account, as noted by the Secretary-General in his report (A/55/1). In that context, the suffering of the Iraqi people as a result of the sanctions imposed by the Security Council was a case in point; his delegation had made every effort to submit ideas and proposals, within the framework of international law, with a view to the review of those sanctions.

41. He welcomed the United Kingdom's proposed amendments to the document submitted by Sierra Leone entitled "Establishment of a dispute prevention and early settlement service" and reaffirmed his Government's respect for the principle of the freedom to choose peaceful means of dispute settlement that might include recourse to the International Court of

Justice, which should be given whatever resources it needed to carry out its work. Dispute settlement did not end with recourse to the Court or to international law; it must continue during the period following the handing down of final and binding decisions. Failure to implement the Court's decisions constituted a threat to global peace and security and a flagrant violation of the Charter of the United Nations and of the principles of justice and international law.

42. **Mr. Haj Ibrahim** (Syrian Arab Republic) said that the increasingly frequent recourse to sanctions in recent years was disturbing. Sanctions could be imposed only where the Charter of the United Nations and international law had been violated and where the other means described in Chapter VI of the Charter had been exhausted. Sanctions must not have a harmful impact on the population of the State on which they were imposed or on third States; such had not been the case with Iraq, where, for example, the infant mortality rate continued to rise as a result of the sanctions. Furthermore, any peace-loving State that endeavoured to alleviate the suffering of the Iraqi people was accused of violating the sanctions regime. In that regard, his delegation recalled the Durban Declaration for the New Millennium, adopted by the Twelfth Summit of the Non-Aligned Movement, in which the heads of State and Government of the participating countries had stated that a fund should be established to provide relief to third States affected by the application of sanctions.

43. Also disturbing were the political criteria on the basis of which sanctions were imposed and lifted at the whim of a single State or a small number of States. The conditions for lifting sanctions should be indicated at the time when they were imposed and should be consistent with the Charter of the United Nations; a time frame should also be established. Such criteria — a highly important matter — were discussed in the revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation". The paper should be considered paragraph by paragraph with a view to its adoption.

44. The double standard used to impose sanctions was disturbing. For example, Israel, which threatened peace and security in the Middle East through the use of its weapons of mass destruction and its occupation of Arab territories in violation of Security Council resolutions, was sanction-free. It was important to democratize the United Nations, including the Security Council. His delegation therefore agreed with the content of the working paper submitted by Cuba entitled "Strengthening of the role of the Organization and enhancing its effectiveness". The Special Committee was the appropriate forum to deal with the matter, thereby increasing the transparency and effectiveness of the Security Council and preventing the marginalization of the General Assembly.

45. His delegation saw no reason to abolish the Trusteeship Council; moreover, such an action would require a thorough reform of the Charter.

46. With respect to the working methods of the Special Committee, he did not agree that the duration of its sessions should be reduced, since such an action would have a negative impact on its discussions and work.

47. **Mr. Medrek** (Morocco) said, with regard to assistance to third States affected by the application of sanctions, that the use of sanctions had increased greatly in recent years despite the fact that they should be imposed only as an exceptional measure once all the other peaceful methods for settling disputes had been exhausted. It was therefore necessary to carry out a prior assessment of the potential impact of sanctions on both the target State and third States in light of the many hardships they created for the population. In that regard, his delegation welcomed the report of the Secretary-General (A/53/312), in which the deliberations and main findings of the ad hoc expert group were summarized.

48. The backlog in publication of the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* was a source of concern, despite the Secretary-General's commendable efforts to eliminate it.

49. With respect to the International Court of Justice, his delegation agreed with the Court that as the primary judicial body of the United Nations, it should be given all the resources that it needed in order to adequately fulfil its mandate.

50. The working paper submitted by Japan entitled "Ways and means of improving the working methods and enhancing the efficiency of the Special Committee" (A/AC.182/L.107) was important in light

of the need to rationalize the methods of work of the Special Committee.

51. **Mr. Akamatsu** (Japan) said, with regard to the implementation of Charter provisions concerning assistance to third States affected by the application of sanctions, that the issue was an important one since sanctions had been imposed with increasing frequency in recent years. The useful report of the Secretary-General on that matter (A/55/295 and Add.1) should be taken into account in considering measures such as a prior assessment by the Secretary-General of the potential effects of sanctions, monitoring of the effects of sanctions and the provision by the Secretariat of technical assistance to countries that invoked Article 50 of the Charter. However, such measures should not hamper the effective application of the sanctions.

52. The peaceful settlement of disputes was a primary goal; for that reason, his delegation basically supported the revised proposal submitted by Sierra Leone entitled "Establishment of a dispute prevention and early settlement service" and hoped that the Special Committee would adopt it at its next session.

53. The Trusteeship Council should be abolished, since its mandate had been fulfilled, although his delegation did not wish to hasten that process.

54. With respect to the working paper submitted by Japan entitled "Ways and means of improving the working methods and enhancing the efficiency of the Special Committee" (A/AC.182/L.107), his delegation had submitted a revised proposal that reflected the views expressed by other Member States (A/AC.182/L.108). He looked forward to a constructive, in-depth discussion of the proposal.

55. **Mr. Kanu** (Sierra Leone) said that the adoption of measures to mitigate the effects of sanctions on third States would also strengthen the effectiveness of the sanctions. Furthermore, the third States thus affected should be provided not only with financial assistance, but also with an opportunity to conclude special trade agreements with favoured-States provisions.

56. The revised working paper submitted by the Russian Federation entitled "Basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation" had some excellent points. Efforts should be made to meet the basic needs of the civilian population, especially vulnerable groups such as children, older persons and the sick, and to suspend the sanctions in cases of emergency. In any event, the United Nations must have some flexibility in order to respond promptly to threats to international peace and security.

57. With respect to United Nations peacekeeping operations, given the recent issuance of the Brahimi report, it was important to avoid duplication of work. The report contained various important recommendations that were fundamental to future peacekeeping activities.

58. As for the proposal by the Russian Federation and Belarus to request an advisory opinion from the International Court of Justice as to the legal consequences of recourse to the use of force by States, either without the prior authorization of the Security Council or outside the context of self-defence, he said that the use of force should be based on the principles of the Charter. There might be exceptional cases, however, such as interventions necessitated by the violation of the principles of international humanitarian law.

59. The report of the Secretary-General to the Millennium Summit and the Millennium Declaration formed the ideological basis for the strengthening of the role of the Organization in the twenty-first century. In any case, those documents should be followed up, and their recommendations should be implemented.

60. Referring to the peaceful settlement of disputes, he said that the paper submitted by his delegation and the delegation of the United Kingdom warranted further consideration.

61. Should a decision be taken not to abolish the Trusteeship Council, its future role and competence should be clearly defined.

62. **Mr. Arbogast** (United States of America) said that his delegation shared the concern expressed by the European Union, and by Guatemala and other delegations with respect to the functioning of the Special Committee, which should recognize that some of the proposals before it, for example, the proposal to establish general criteria and principles for peacekeeping missions and sanctions regimes and the proposal to review the issue of use-of-force authority, were problematical or redundant. The Special Committee should focus on more practical proposals. One area in which the Special Committee had done productive work had been that of third States affected

by the application of sanctions, which was also being considered by the working group of the Security Council. The most recent report of the Secretary-General on the issue noted that the information to be made available to the working group of the Security Council would include the report of the ad hoc expert group established by the Secretary-General at the suggestion of the United States. The report of the expert group, particularly its conclusion that global and regional financial institutions should play the lead role in assessing economic consequences on third States and finding appropriate solutions had stimulated more focused thinking about those issues on the part of a wide range of international organizations and institutions, both within and outside the United Nations system.

63. The Special Committee had also done productive work in dispute prevention and the establishment of settlement mechanisms. The recent efforts of Sierra Leone and the United Kingdom to hone further their proposal in that regard were encouraging. His delegation was of the view that that proposal could facilitate the use and build awareness of dispute settlement tools and also enhance the Organization's early warning capabilities. Thanks to the initiative of Japan, the Special Committee had become a more productive organ. In that regard, active consideration should be given to the full range of reform measures proposed by the European Union and other delegations. His delegation also believed that next year's session of the Special Committee should not exceed the eight-day period of the 2000 session, and that serious consideration should be given to the possibility of limiting it to one week.

64. Lastly, the United Nations in general and the Special Committee in particular could do without being lectured by certain delegations, particularly those representing Governments which complained about the application of Article 41 of the Charter but had invaded their neighbours and caused their own people to suffer by not complying with their commitments and continuing to ignore the will of the international community as well as accepted standards of behaviour.

65. **Mr. Krokhmal** (Ukraine) said that the Special Committee, as a subsidiary organ of the General Assembly, had the important mission of cooperating in the reform of the United Nations; therefore, the ongoing efforts to improve its functioning and working methods should take account of that mission. In that connection, it was encouraging that the Special Committee had achieved optimal utilization of conference resources at its most recent session although, regrettably, since there had not been sufficient time within the nine working days allocated to it, it had been unable to consider the agenda item on the identification of new subjects. That item should be addressed first at the Special Committee's next session, which could also deal with many important issues discussed in the Sixth Committee with regard to the United Nations Decade of International Law. His delegation supported reverting to the usual duration of the Special Committee's sessions.

66. The paper submitted by Japan suggested, in his delegation's opinion, that it was not the working methods of the Special Committee as such that needed revision or improvement but rather its programme of work. As for the cut-off mechanism proposed in that paper for consideration of the items on the Special Committee's agenda, his delegation advised caution and, before all else, agreement on clear and coherent principles to govern such a mechanism. At the same time, his delegation supported the proposal regarding adoption of the Special Committee's reports in accordance with the procedure used by the Ad Hoc Committee to elaborate an international convention for the suppression of terrorist bombings, established by General Assembly resolution 51/210 of 17 December 1996.

67. His delegation wished to thank the Secretary-General for his efforts to reduce the backlog in the publication of the *Repertory* and *Repertoire*. It welcomed all the measures undertaken to resolve the situation, particularly the establishment of a trust fund and praised those States which contributed to that fund. It encouraged the Secretary-General to rely more heavily on interns and junior professionals as a means of accelerating that work.

68. The Special Committee should give more careful consideration to the working paper submitted by Belarus and the Russian Federation, since it formed a good basis for the discussion of a number of major legal questions. His delegation disagreed with the view that the General Assembly could not proceed to seek an advisory opinion from the International Court of Justice without the explicit authorization of the Security Council. It also believed that the Special Committee, as an expert legal body, should focus on

legal issues and, inasmuch as possible, avoid political discussions.

69. The revised working paper of Sierra Leone and the United Kingdom formed a sound basis for further work on the issue of dispute prevention and settlement. He also praised the informative document prepared by the Secretariat on the existing dispute prevention and settlement mechanisms.

70. As for sanctions regimes, recent studies showed that the political effectiveness, if any, of the majority of the regimes imposed by the Security Council in the 1990s had been moderate to low; the entire issue should therefore be reviewed. Even acknowledging that, as stated in annex II of General Assembly resolution 51/242, "an effectively implemented regime of collective Security Council sanctions [could] operate as a useful international policy tool in the graduated response to threats to international peace and security", sanctions should be used only as a last resort and should not be substituted for recognized dispute settlement mechanisms. While he recognized the importance of the Security Council's statutory prerogatives in that area, the important role the General Assembly could play in formulating criteria for sanctions regimes that enjoyed the general support of Member States should not be underestimated. His delegation therefore supported continued consideration of the paper on basic conditions and standard criteria for the introduction of sanctions and other coercive measures and their implementation.

71. As for the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, his delegation stressed that the report of the ad hoc expert group established by the Secretary-General, whose recommendations were generally acceptable, together with the views, ideas and proposals submitted by States, the organizations of the United Nations system, the international financial institutions and other relevant international organizations, constituted a sufficient basis for reaching an agreement on the practical implementation of Article 50 and other provisions of the Charter pertaining to assistance in the implementation of sanctions. The time was ripe for moving from the discussion phase to a new phase of formulating agreed guidelines; therefore, the draft resolution on the implementation of Article 50 of the Charter to be introduced for consideration by the Special Committee, of which Ukraine was a sponsor, emphasized the need to establish a working group of the Sixth Committee during the next session of the General Assembly to formulate agreed guidelines on the issue.

72. **Ms. Zorai** (Tunisia) said that the provisions of the Charter explicitly favoured the application of a preventive approach in the event of disputes, before resorting to coercive measures. Such an approach continued to be the best means of preventing conflicts, human tragedies and economic and social costs that were difficult to repair. Where it was necessary to impose sanctions, they should be of limited duration, and clear conditions should be laid down for lifting or suspending them. Their effectiveness should also be periodically assessed, in order to determine as objectively as possible their humanitarian impact on the population of the target State and their direct effects on the interests and economy of third countries, with the ultimate aim of lifting the sanctions when their objectives were achieved. In that connection, her delegation commended the report of the Secretary-General (A/53/312), which recommended to the Security Council that it should give careful consideration to the potential effects of sanctions, both on the target State and on its neighbours, before imposing such measures. The recommendations of the ad hoc expert group formed an interesting basis for the consideration of measures to mitigate the effects of sanctions on third States. It made sense to take specific and effective measures for the full implementation of Article 50 of the Charter. Also, in keeping with the spirit of the Millennium Declaration, her delegation encouraged the Security Council to hold periodic consultations with affected States in order to find an acceptable solution to their problems.

73. Tunisia had always urged the Security Council to be more democratic and transparent. Therefore, when it had been a non-permanent member of the Council, Tunisia had contributed through its efforts to promote dialogue with other countries in order to narrow differences in views and guarantee maximum success of the Council's actions, particularly the maintenance of international peace and security.

74. She highlighted the importance of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council; the delay in their publication was regrettable. She reaffirmed her delegation's support for the efforts to publish the volumes creating the backlog.

75. **Mr. Erwa** (Sudan) said that the mandate assigned to the Special Committee under the current international conditions seemed extraordinarily difficult and complicated. Since its establishment in 1965, the challenges before the Special Committee had been immense and were now greater than ever. Although the programme of reform of the United Nations and the Security Council was stalled, without having achieved any real and concrete results, work to that end must not stop. It was to be hoped that the current conditions, in which one Power dominated the destinies of States and nations, were transient and that, eventually, international relations would return to normalcy and all States, large and small, would have equal rights and duties and the real opportunity to contribute to international welfare, security and peace.

76. The exploitation of the Security Council, which had become a mere instrument at the service of narrow individual interests presaged a serious situation in which the United Nations would simply become a club for the victors of the Second World War or for the sole Power to emerge triumphant from the cold war. Consequently, reforming the sanctions regime by making it more transparent would enable the United Nations to return to its original mandate, which was to be an organization at the service of all. His delegation had constantly urged that sanctions should be imposed only as a last resort, when all peaceful means of settlement had been exhausted. Like most States Members of the United Nations, and even some permanent members of the Security Council, the Sudan considered that sanctions should have a definite time frame, and should be lifted automatically once that time frame had expired instead of being renewed automatically. When sanctions did not have specific time frames, they became unilateral measures where one State exercised the right of veto against the wishes of the whole international community.

77. The reform of the Security Council should allow the General Assembly to regain its full powers, which were explicitly set forth in the Charter, despite the arrogance of those who had set themselves up as guardians of the world and were trying to undermine the General Assembly, as they had undermined the Security Council. In that respect, he cited John R. Bolton, former United States Assistant Secretary of State for International Organization Affairs, who once said that there was no United Nations, but rather an international community that, on occasion, could be led by the only remaining real world Power, the United States.

78. Another important matter before the Special Committee was the payment of assessed contributions by Member States. The assessed contributions were the result of a contractual agreement and a commitment freely entered into by the United States. Failure to meet such an obligation was an abuse of the basic principles governing international relations and a violation of the principles of international and treaty law. In that respect, he cited Stephen Schwebel, former President of the International Court of Justice, who had affirmed, before the General Assembly, that failure to meet that obligation not only had the gravest effects on the life of the Organization, but also transgressed the principles of free consent, good faith and *pacta sunt servanda*, which were at the heart of international law and relations. Payment of assessed contributions had become a means of political blackmail by the great Power, which continually threatened not to meet its obligations to the United Nations if its wishes were not respected.

79. The Special Committee's efforts to reform the United Nations and its organs were complemented by those of other General Assembly organs and committees. Although it was a difficult undertaking, his delegation was optimistic and believed that with resolve, a spirit of cooperation and solidarity the obstacles could be overcome.

80. **Mr. Haque** (Pakistan) said that the Special Committee's work in assisting third States affected by the application of sanctions was important, and that the United Nations should design innovative measures and mechanisms not only to assess the consequences and damage caused by sanctions, but also to find ways to compensate the losses suffered by third States. Practical measures were needed to execute the recommendations of the ad hoc expert group. In that respect, it was worth emphasizing the importance and usefulness of the revised working paper presented by the Russian Federation concerning the criteria for the introduction of sanctions and other coercive measures.

81. For some, sanctions, as non-military measures, were an effective political tool in responding to threats to international peace and security while, for others, they were a drastic and counterproductive measure. In his last report, the Secretary-General had pointed out the inherent dilemma in the application of sanctions

which, although they were directed against regimes, caused enormous suffering among the civilian population. His delegation was opposed to sanctions as a matter of principle and had consistently supported the international community's efforts towards the peaceful resolution of conflicts. The United Nations should not become a punitive organ, and the Security Council should resort to sanctions only when there was a clear threat to international peace and security, and after having exhausted all other measures to resolve a dispute. It was preferable to exercise preventive diplomacy, through constructive engagement, than to take punitive measures against a country. Practice had shown that there was no uniform criterion for imposing sanctions, and that different yardsticks had been used in responding to similar situations. While some countries had received strict sanctions for violating Security Council resolutions, others had violated them systematically and yet had not been held accountable. Those factors made it necessary to undertake a careful study of the usefulness of sanctions as an instrument to further international peace and security. He hoped that the Russian Federation's proposal would make a useful contribution to the discussion.

82. The United Nations played a leading role in peacekeeping operations, in which Pakistan was involved based on its fundamental belief in international peace, conflict resolution, collective security, preventive diplomacy, peace-making and post-conflict peace-building. Peacekeeping operations should have a clear political direction, an effective command and control structure and well-defined rules of engagement. The purpose of such operations should not be merely to separate the warring sides, but also to examine the causes of the conflict in order to resolve it. His delegation welcomed the Russian Federation's proposal on the fundamental elements of the legal basis for United Nations peacekeeping operations and noted that it was necessary to avoid duplicating the work of the Special Committee when discussing the matter. In that respect, he drew attention to the recent report on peacekeeping operations and said that events should be examined carefully before any decisions were taken regarding proposals in that area.

83. **Mr. Mirzaee-Yengejeh** (Islamic Republic of Iran), speaking as President of the Special Committee, thanked all the delegations for their statements and said that the presentation of a clear and precise mandate to the Committee by the Sixth Committee would facilitate progress in the Committee's next session.

The meeting rose at 12.50 p.m.